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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 4598 OF 2007
IN
APPEAL NO. 1197 OF 2001
IN
WRIT PETITION NO. 1745 OF 1995

Vinod Bhagwan Waghela .. Appellant.

V/s.

The B.D.Petit Parsee
General Hospital & Anr. .. Respondents.

Mr.Piyush Shah for the Appellant. .
Mr.Rammurthy with Devesh Juvekar i/b.Humranwala &
Co. for Respondents. .

CORAM : DR.S.RADHAKRISHNAN AND

ANOOP V.MOHTA, JJ.

DATE : 11th DECEMBER, 2007.

P.C. :-

. Heard the learned Counsel for the Appellant and the learned Counsel for the Respondents. Perused the order dated 13th September, 2007 passed in the above appeal. The Appellant has already given an undertaking to vacate the premises within the period of three months from the date of order i.e. on or before 13th December, 2007. Now this Notice of Motion is taken out

on 30th November, 2007 contending that the Appellant has two school going children and therefore he prayed for further extension of six months. We find the above Notice of Motion is totally without any bonafides. The Appellant was very much aware when the order was passed on 13th September, 2007 that he has two school going children and it cannot be that only on 30th November, 2007 he realised that he has two school going children. Under these circumstances, we are not inclined to extend the time as sought. The Notice of Motion stands dismissed.

(ANOOP V. MOHTA, J.) **(DR.S.RADHAKRISHNAN,J.)**